

Message

From: Kluesner, Dave [kluesner.dave@epa.gov]
Sent: 10/27/2022 5:19:32 PM
To: Mugdan, Walter [Mugdan.Walter@epa.gov]; Garcia, Lisa [Garcia.Lisa@epa.gov]; Glenn, Olivia [Glenn.Olivia@epa.gov]
Subject: FROM ELIZABETH NEVILLE: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

FYI

David W. Kluesner



U.S. Environmental Protection Agency, Northeast & Caribbean Region
Director of Strategic Programs
Office of the Regional Administrator
290 Broadway, 26th Floor
New York, NY 10007
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347.330.9439 (Cell)

From: Elizabeth Neville <elizabeth@neville.com>
Sent: Thursday, October 27, 2022 12:55 PM
To: Kluesner, Dave <kluesner.dave@epa.gov>; Heather Croshaw [Ex. 6 Personal Privacy (PP)]; Kai A. Nielsen [Ex. 6 Personal Privacy (PP)]; John Walker <jwalke@nrdc.org>; Sara Zuckerman [Ex. 6 Personal Privacy (PP)]; jvaliulis@stxenvironmental.org; jteelsimmonds@biologicaldiversity.org; Michael Harris [Ex. 6 Personal Privacy (PP)]; edavis@nrdc.org; Miyoko Sakashita <miyoko@biologicaldiversity.org>; fgerard@chantvi.org
Cc: Bain, Zeno <Bain.Zeno@epa.gov>; Benjamin, Arielle <Benjamin.Arielle@epa.gov>; Parker, Philip <Parker.Philip@epa.gov>
Subject: Re: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

Dear David,

Thank you for your time in discussing the refinery inspection report just now. As I conveyed, SEA is extremely concerned about the risk of imminent danger conveyed in the report and has many questions regarding what can and will be done to alleviate this acute risk of chemical release and/or explosions. We look forward to hearing from you regarding the possibility of a virtual community meeting on this topic of urgent importance to take place over the next couple of weeks, as well as a more comprehensive meeting about the status of the refinery, PSD, and other related topics to hopefully take place in mid-November.

As per our discussion, here is the statement that Port Hamilton released today in response to the coverage of the EPA inspection report: <https://stthomassource.com/content/2022/10/27/open-forum-port-hamilton-refining-and-transportation-prepares-for-safe-start-up/> - I personally found the company's assertions that they are in fact maintaining the facility safely (in contradiction to the EPA report), and that they plan to retain a third-party inspector, troubling.

Thank you very much. I look forward to hearing from you soon.

Kind wishes,
Elizabeth Neville



Open forum: Port Hamilton Refining and Transportation Prepares for Safe Start Up

Port Hamilton Refining and Transportation LLLP (PHRT) wishes to assure the public that despite recent reports of concerns about the safety of the facility, the company continues maintaining the facility it purchased in January of this year in preparation for a safe start-up.

stthomassource.com

Elizabeth Leigh Neville

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From: Elizabeth Neville <elizabeth@neville.com>

Sent: Tuesday, October 25, 2022 6:32 PM

To: Kluesner, Dave <kluesner.dave@epa.gov>; Heather Croshaw <heather.croshaw@gmail.com>; Kai A. Nielsen

Ex. 6 Personal Privacy (PP); L Cobrall **Ex. 6 Personal Privacy (PP)** >;

Ex. 6 Personal Privacy (PP) >; John Walker <jwalke@nrdc.org>; Sara Zuckerman

Ex. 6 Personal Privacy (PP); jvaliulis@stxenvironmental.org <jvaliulis@stxenvironmental.org>;

jteelsimmonds@biologicaldiversity.org <jteelsimmonds@biologicaldiversity.org>; Michael Harris

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Cc: Bain, Zeno <Bain.Zeno@epa.gov>; Benjamin, Arielle <Benjamin.Arielle@epa.gov>; Parker, Philip <Parker.Philip@epa.gov>

Subject: Re: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

Dear David,

Thank you for sharing this important update; acknowledging receipt. The condition of the facility and its safety protocols as delineated in EPA's inspection report are deeply troubling and clearly pose serious hazards to the surrounding community. This is particularly disturbing given that the facility is currently idled.

Please keep us posted as EPA determines appropriate corrective and punitive action.

Kind regards,
Elizabeth Neville

Elizabeth Leigh Neville

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From: Kluesner, Dave <kluesner.dave@epa.gov>

Sent: Tuesday, October 25, 2022 3:36 PM

To: Elizabeth Neville <elizabeth@neville.com>; Heather Croshaw Ex. 6 Personal Privacy (PP) Kai A. Nielsen

Ex. 6 Personal Privacy (PP)

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Ex. 6 Personal Privacy (PP); John Walker <jwalke@nrdc.org>; Sara Zuckerman

Ex. 6 Personal Privacy (PP); jvaliulis@stxenvironmental.org <jvaliulis@stxenvironmental.org>;

jteelsimmonds@biologicaldiversity.org <jteelsimmonds@biologicaldiversity.org>; Michael Harris

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<miyoko@biologicaldiversity.org>; fgerard@chantvi.org <fgerard@chantvi.org>

Cc: Bain, Zeno <Bain.Zeno@epa.gov>; Benjamin, Arielle <Benjamin.Arielle@epa.gov>; Parker, Philip

<Parker.Philip@epa.gov>

Subject: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

Dear Elizabeth, St. Croix Environmental Association and allied organizations,

From September 20 to 26, 2022, EPA inspected the Port Hamilton Refining and Transportation's St. Croix Refinery to more broadly determine the general state of chemical safety at the facility, and during that inspection, EPA noted serious deficiencies in the way that this facility is being run.

Even while we continued to complete our detailed inspection report, EPA quickly reached out to the company to alert them of deficiencies that need to be immediately addressed.

In our October 13, 2022 letter, we asked the company to immediately begin discussions with EPA to address the issues. The company did respond, and EPA is in active discussions.

EPA's October 13, 2022, Inspection Letter to Port Hamilton Refining and Transportation

Last week, EPA issued the inspection report to the company. EPA cannot elaborate further while in active discussions with the company and until we have a final action to address the issues. In the interest of transparency, EPA has released its inspection report. One appendix contains sensitive information that EPA will not release, and the other appendix contains photos of the inspection, which have been claimed by the company as confidential business information (CBI) and therefore can't be released until EPA makes a formal CBI determination.

EPA's Sept. 2022, Inspection Report Port Hamilton Refining and Transportation LLLP, CAA General Duty Clause
EPA is seeking a legally enforceable agreement to address those concerns in the immediate future. We are fast-tracking our discussions to have a legal agreement or order in place in the coming weeks.

EPA is continuing its vigilant oversight of this facility. EPA stands by this community and EPA takes very seriously our duty to ensure that the facility complies with federal environmental rules designed to protect people.

David W. Kluesner



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From: Kluesner, Dave

Sent: Thursday, August 25, 2022 12:58 PM

To: Elizabeth Neville <elizabeth@neville.com>

Cc: Heather Croshaw <Ex. 6 Personal Privacy (PP)>; Kai A. Nielsen <Ex. 6 Personal Privacy (PP)>; L Cobrall

<Ex. 6 Personal Privacy (PP)>; John Walker <jwalke@nrdc.org>; Sara Zuckerman <Ex. 6 Personal Privacy (PP)>; jvaliulis@stxenvironmental.org; jteelsimmonds@biologicaldiversity.org; Benjamin, Arielle <Benjamin.Arielle@epa.gov>; Bain, Zeno <Bain.Zeno@epa.gov>; Parker, Philip <Parker.Philip@epa.gov>; Michael Harris <Ex. 6 Personal Privacy (PP)>; edavis@nrdc.org; Miyoko Sakashita <miyoko@biologicaldiversity.org>

Subject: RE: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

Hello Elizabeth,

Very nice speaking with you this morning. During that call, we confirmed that there is no petition involving between Port Hamilton Refining and Transportation's St. Croix Refinery and EPA. EPA's Office of Regional Counsel informed me a few moments ago that the date of PH's response to our March 22, 2022 letter is July 15, 2022 (not July 22 as I indicated). Furthermore, PH sent us a corrected version on July 27, since their July 15 version accidentally had a missing line. PH labeled the letters as containing CBI. We have to work through the CBI process and make a determination about whether their CBI claim is valid or not.

David W. Kluesner



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From: Elizabeth Neville <elizabeth@neville.com>

Sent: Tuesday, August 23, 2022 3:48 PM

To: Kluesner, Dave <kluesner.dave@epa.gov>; jvaliulis@stxenvironmental.org

Cc: Heather Croshaw; [Ex. 6 Personal Privacy (PP)]; Kai A. Nielsen; [Ex. 6 Personal Privacy (PP)]; L Cobrall

[Ex. 6 Personal Privacy (PP)]; John Walker <jwalke@nrdc.org>; Sara Zuckerman

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Zeno <Bain.Zeno@epa.gov>; Parker, Philip <Parker.Philip@epa.gov>; Michael Harris; [Ex. 6 Personal Privacy (PP)]

edavis@nrdc.org; Miyoko Sakashita <miyoko@biologicaldiversity.org>

Subject: Re: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

Dear David,

Thank you for this update and for the documents that you shared yesterday. We appreciate your continuing to provide the CEMS data. Please keep us posted regarding Port Hamilton's response to EPA's letter about the smoldering petroleum coke and fire.

In addition to the petition that I requested in my email of yesterday (8/22) addressed to Administrator Regan, can you kindly provide an update as to whether Port Hamilton Refining and Transportation responded to EPA's March 22 letter regarding PSD permitting? If so, can you kindly provide their response(s) at your earliest convenience?

Thank you very much. Please do not hesitate to reach out if you would like to discuss any of the above.

Kind wishes,
Elizabeth

Elizabeth Leigh Neville

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From: Kluesner, Dave <kluesner.dave@epa.gov>

Sent: Tuesday, August 23, 2022 11:00 AM

To: Elizabeth@Neville.com <Elizabeth@Neville.com>; jvaliulis@stxenvironmental.org <jvaliulis@stxenvironmental.org>

Cc: Heather Croshaw [Ex. 6 Personal Privacy (PP)]; Kai A. Nielsen [Ex. 6 Personal Privacy (PP)]; L Cobrall

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John Walker <jwalke@nrdc.org>; Sara Zuckerman

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<Bain.Zeno@epa.gov>; Parker, Philip <Parker.Philip@epa.gov>

Subject: UPDATE: Port Hamilton Refining and Transportation's St. Croix Refinery

EPA's August 18 letter to Port Hamilton is now posted on [Refinery on St. Croix, U.S. Virgin Islands | US EPA](#).

- Letter: [Microsoft Word - Port Hamilton Refinery 104e Revised Final.docx \(epa.gov\)](#)

We are working on the other matters that you raised and will be in touch.

David W. Kluesner



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From: Kluesner, Dave

Sent: Monday, August 22, 2022 6:23 PM

To: Elizabeth@Neville.com; jvaliulis@stxenvironmental.org

Cc: Heather Croshaw [Ex. 6 Personal Privacy (PP)]; Kai A. Nielsen [Ex. 6 Personal Privacy (PP)]; L Cobrall

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Subject: Port Hamilton Refining and Transportation's St. Croix Refinery

Dear Elizabeth and Jennifer, and allied organizations. I am sharing with you the following:

- Copied below, a statement by the U.S. EPA issued today, in response to the smoldering pile at the refinery
- Attached, an information request letter to Port Hamilton, which was sent on August 18, 2022 (we are correcting the website to include the letter with a date stamp) in response to their August 7, 2022 news release in which it wrote that a pile of petroleum coke was found to be smoldering at the facility on St. Croix. Petroleum coke is a charcoal-like substance that is a byproduct of refining oil. On August 18, 2022, EPA issued a letter to Port Hamilton Refining and Transportation seeking information and documents relating to the incident.

- In furtherance of your request for data from the continuous emissions monitoring system (CEMS), the attached spreadsheets contain CEMS data we received from PHRT for May to early June.

We will be working closely with SEA and allied organizations to provide as much information as feasible and we look forward to scheduling a community update meeting in the very near future.

Meanwhile, this is a reminder that the EPA community hotline is still operational at (866) 462-4789. It is not staffed 24/7 but all calls left to the voice message system during after hours will be returned as soon as possible. Thank you and please let me know if you have any questions or if we can assist in any way.

**Statement from EPA on Incidents at Port Hamilton Refining and Transportation's St. Croix Refinery
8/22/22**

EPA is concerned about the smoldering pile and the recent conveyor belt fire, and we are in active discussion with the U.S. Virgin Islands' Department of Natural and Environmental Resources and the facility itself to gather more information and determine appropriate next steps, including what direct assistance from EPA may be needed.

On August 18, 2022, EPA sent a letter to Port Hamilton Refining and Transportation (PHRT) asking for detailed information about the smoldering coke pile.

EPA remains committed to ensuring that the facility is run in a manner that complies with environmental regulations.

EPA's public hotline to register concerns about this facility remains active. People with concerns should call (866) 462-4789.

David W. Kluesner



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